

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

CSX TRANSPORTATION, INC.,

Plaintiff,

v.

Civil Action No. 2:18-cv-530-MSD-RJK

**NORFOLK SOUTHERN RAILWAY
COMPANY, *et al.*,**

Defendants.

**NORFOLK AND PORTSMOUTH BELT LINE RAILROAD COMPANY'S
MOTION FOR SUMMARY JUDGMENT**

Defendant Norfolk and Portsmouth Belt Line Railroad Company (“Belt Line”), by counsel, pursuant to Fed. R. Civ. P. 56 and Local Civil Rule 56, moves for summary judgment on the four counts remaining against it (Counts I, II, VIII, and IX).

As set forth in the accompanying memorandum, plaintiff CSX Transportation, Inc.’s antitrust and state-law conspiracy claims against the Belt Line fail as a matter of law. All of them are either time-barred or not actionable. Moreover, the undisputed facts establish that Belt Line did not conspire with NS to harm CSXT. Despite CSXT’s complaints that the \$210 tariff switching rate is too high, the undisputed evidence establishes that the rate is not only competitive, but fully supported by the Belt Line’s actual costs. Wherefore, the Belt Line respectfully requests that this Court grant the Belt Line summary judgment on all claims and award it all other just relief.

Dated: April 12, 2021

**NORFOLK AND PORTSMOUTH BELT LINE
RAILROAD COMPANY**

By: /s/ W. Ryan Snow

James L. Chapman, IV, VSB No. 21983
W. Ryan Snow, VSB No. 47423
David C. Hartnett, VSB No. 80452
Alexander R. McDaniel, VSB No. 92398
CRENSHAW, WARE & MARTIN, P.L.C.
150 W. Main Street, Suite 1500
Norfolk, Virginia 23510
Telephone: (757) 623-3000
Facsimile: (757) 623-5735
jchapman@cwm-law.com
wrsnow@cwm-law.com
dhartnett@cwm-law.com
amcdaniel@cwm-law.com
*Counsel for Norfolk and Portsmouth
Belt Line Railroad Company*

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of April 2021, I electronically filed the foregoing document with the Clerk of the Court for the U.S. District Court, Eastern District of Virginia, Norfolk Division, using the electronic case filing system of the court. The electronic case filing system will send a "Notice of Electronic Filing" to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ W. Ryan Snow
W. Ryan Snow, VSB No. 47423
CRENSHAW, WARE & MARTIN, P.L.C.
150 W. Main Street, Suite 1500
Norfolk, Virginia 23510
Telephone: (757) 623-3000
Facsimile: (757) 623-5735
wrsnow@cwm-law.com
*Counsel for Norfolk and Portsmouth
Belt Line Railroad Company*